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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,593	11/28/2000	Charles Robert Knipe JR.	10003905-1	8537

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AGILENT TECHNOLOGIES
Legal Department, 51U-PD
Intellectual Property Administration
P.O. Box 58043
Santa Clara, CA 95052-8043

EXAMINER

YUAN, ALMARI ROMERO

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/723,593

Applicant(s)

KNIPE ET AL.

Examiner

Almari Yuan

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Request for Reconsideration filed on 9/13/04.
2. The rejection of claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bova and Sunshine has been withdrawn in light of newly found art.
3. Claims 1-20 are pending in the case. Claims 1, 8, and 15 are independent claims.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
5. Claims 1-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1 and 8 are directed towards ‘a process for inclusion of links within a chromatography or spectroscopy software package’. This language fails to set forth physical structures or materials comprising of hardware or a combination of hardware and software within the technological arts (i.e. a computer) to produce a “useful, concrete and tangible” result and can be interpreted as software per se that is not tangibly embodied on a computer readable medium or hardware.

Claims 2-7 and 9-14 are rejected for fully incorporating the deficiencies of their respective base claims.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang, Frank Cheng-Yu, ("An HTML Approach to Creating and Maintaining a Chromatography Database", 11/1997, Analytical Chemistry, pages 1-9) in view of Lemay, Laura, ("Teach Yourself Web Publishing with HTML 3.2 in 14 Days" – Chapter 4 All About Links, 1996, Sams.net Publishing, pages 77-79).**

Regarding independent claims 1, 8, and 15 and (dependent claim 20), Wang discloses:

A process for inclusion of links within a chromatography or spectroscopy software package, comprising:

injecting a sample of compounds into a chromatographic or spectroscopic instrument (Wang on page 2, 4th paragraph – page 3, 2nd paragraph, page 6 last paragraph and see Abstract teaches chromatography and spectroscopy; identifying unknown compounds);

creating a method that contains data analysis parameters relating to the sample of compounds (Wang on page 3, 2nd paragraph teaches parameters for reference to the chromatogram in the database and see Abstract teaches analytical chemistry for compounds);

creating a calibration table that contains the data analysis parameters; analyzing the signals generated by the method (Wang on page 3, 4th paragraph teaches an index file for

Art Unit: 2176

polymer list and on page 4, 1st paragraph teaches a list of instrumentation and experimental conditions used to generate the pyrogram); and

generating a report that automatically includes the meta language and that provides results of the signal analysis, wherein the meta language link the report to resources that store information relating to the compounds, the resources being directly accessible from within the report (Wang on page 4 teaches a report such as the polymer page (Figure 3) wherein the peak number 2 in the pyrogram can be selected and the related file will be activated through a file link from the polymer page. Furthermore, Wang's pages are generated in HTML (page 2, 3rd paragraph).

However, Wang does not explicitly disclose "meta language tools link the report to resources"

Lemay discloses "link tags" within the HTML web page helps the user link to another pages, in other words, the link tags are tools to jump to another page or for retrieving requested information (see pages 78-79).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Lemay into Wang to provide a way to have links tags as a tool to link to another page, as taught by Lemay, incorporated into the HTML system of Wang, in order to efficiently link files and images within a HTML environment.

Regarding dependent claims 2, 9, and 16, Wang discloses:

linking uniform resource locators to the report via a network (Wang on page 5, 1st paragraph using URLs).

Art Unit: 2176

Regarding dependent claims 3-4, 10-11 and 17-18, Wang discloses:

includes linking internal and local databases to the report (Wang on page 3, 3rd paragraphs teaches the databases are in HTML files; on page 4, 2nd paragraph teaches the polymer page can link to different files related to the pyrogram).

Regarding dependent claims 5, 12, and 19, Wang discloses:

using HyperText Markup Language, Extensible Markup Language, or Chemical Markup Language for the meta language tools (Wang on page 2, 3rd paragraph teaches HTML).

Regarding dependent claims 6 and 13, Wang discloses:

using a web browser to display the meta language tools directly in the report (Wang on page 2, 3rd paragraph teaches web browser).

Regarding dependent claims 7 and 14, Wang discloses:

editing the meta language tools in the calibration table (Wang on page 2, 2nd paragraph editing and maintaining databases).

Regarding independent claim 15, Wang discloses:

A chromatographic or spectroscopic report, comprising:

a report stored on a computer-readable medium and generated from a calibration table relating to analysis of samples of compounds (Wang on page 3, 4th paragraph teaches an index file for polymer list and on page 4, 1st paragraph teaches a list of instrumentation and experimental conditions used to generate the pyrogram), the report including:

information relating to the compounds (Wang on page 3, 2nd paragraph teaches parameters for reference to the chromatogram in the database and see Abstract teaches analytical chemistry for compounds); and

tags automatically included in the report for electronically linking the report to resources that store the information relating to the compounds, the resources being directly accessible from within the report (Wang on page 4 teaches a report such as the polymer page (Figure 3) wherein the peck number 2 in the pyrogram can be selected and the related file will be activated through a file link from the polymer page. Furthermore, Wang's pages are generated in HTML (page 2, 3rd paragraph).

However, Wang does not explicitly disclose "tags included in the report for linking the report to resources".

Lemay discloses "link tags" within the HTML web page helps the user link to another pages, in other words, the link tags are tools to jump to another page or for retrieving requested information (see pages 78-79).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Lemay into Wang to provide a way to have links tags as a tool to link to another page, as taught by Lemay, incorporated into the HTML system of Wang, in order to efficiently link files and images within a HTML environment.

Response to Arguments

8. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2176


Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Almari Yuan whose telephone number is 571-272-4104. The examiner can normally be reached on Mondays - Fridays (8:30am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild, can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AY
March 3, 2005


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER